

OSCAR LEESER
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

**AUGUST 6, 2013
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
AUGUST 5, 2013
9:00 a.m.**

NOTE:

- The City Council Agenda has been reorganized as directed by City Council on June 25, 2013 to allow for a **Call to the Public at 12:15 p.m. – 12:45 p.m.** Requests to speak must be received by **9:00 a.m.** on the date of the meeting. Three minutes may be allowed for each speaker. Thirty minutes in total will be devoted for Call to the Public.
- At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.
- If items are scheduled for the Executive Session, the Council will move to Executive Session at the end of the Regular Agenda items or after Call to the Public, whichever comes first or as determined by the Presiding Officer.

ROLL CALL

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE

**MICHEL NOE
MEGAN NOE**

MAYOR'S PROCLAMATIONS

- 1. NATIONAL NIGHT OUT**
- 2. PASO DEL NORTE SOCCER ASSOCIATION DAY**

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless

separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of July 30, 2013, and the Legislative Review Meeting of the Whole of July 29, 2013, the Special City Council Meeting of July 29, 2013 (Introduction of an Ordinance levying FY 2014 taxes), the Special City Council Meeting of July 24, 2013 (Budget Hearings for Parks and Recreation, Department of Public Health, Information Technology, Purchasing & Strategic Sourcing, Fire, Police, Sun Metro and Department of Transportation), and the Special City Council Meeting of July 25, 2013 (Budget Hearings for Tax, Human Resources, City Manager, City Attorney, Non-Departmental, Mayor and Council, Environmental Services, and International Bridges).

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. FOR NOTATION:

Accept the donation of \$500 from Evolve Federal Credit Union; \$800 from Castro Enterprises, Inc.; \$500 from Jobe Materials, L.P., for the District 3 Movies at the Park.

[Representative Emma Acosta, (915) 541-4515]

4. NOTICE OF CAMPAIGN CONTRIBUTIONS:

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Mayor Oscar Leeser in the amount of \$500 from Tenet Healthcare Corp.(PAC) and \$500 from Benny Vanecek.

[Mayor Oscar Leeser, (915) 541-4145]

REGULAR AGENDA - INTRODUCTION

5. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.56 (Parking Meters), Section 12.56.020F (Installation) to establish the days and times when parking meter fees shall apply, to allow the Director of the Department of Transportation to recommend exceptions and to add exceptions; the penalty being as provided in Section 12.84.010 of the El Paso City Code. **(Districts 1 and 8)**

[Department of Transportation, Keith Bennett, (915) 621-6882]

PUBLIC HEARING WILL BE HELD ON AUGUST 20, 2013, FOR THE ITEM

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

6. CITY DEVELOPMENT:

- 6A.** An Ordinance changing the zoning of a portion of Section 16, Block 79, Township 3, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Vista Del Sol Drive and west of City Limit. Property Owner: Americas Loop 375 Joint Venture. PZRZ13-00002 **(District 6)**
[City Development, Andrew Salloum, (915) 541-4633]
- 6B.** An Ordinance granting Special Permit No. PZST13-00015, to allow for infill development with reduced lot width and side yard setback on the property described as a portion of Lot 1, Block 2, Town and Country Village 2nd Revised Map, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 5135 Chromite Street. Property Owner: E. Peinado Development Co. PZST13-00015 **(District 1)** [City Development, Andrew Salloum, (915) 541-4633]
- 6C.** An Ordinance vacating a portion of Elm Street Right-of-Way, adjacent to Block 126, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: 2801 Memphis Avenue. Property Owner: Ramon and Aurora Tarin. SURW13-00001 **(District 2)** [City Development, Nelson Ortiz, (915) 541-4931]
- 6D.** An Ordinance vacating a portion of Elm Street Right-of-Way, adjacent to Block 126, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: 2800 Nashville Street. Property Owner: Carlos and Maria Hernandez. SURW13-00002 **(District 2)** [City Development, Nelson Ortiz, (915) 541-4931]
- 6E.** An Ordinance vacating a portion of Elm Street Right-of-Way, adjacent to Block 126, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: 2604 Elm Street. Property Owner: Blanca V. Duarte. SURW13-00005 **(District 2)** [City Development, Nelson Ortiz, (915) 541-4931]
- 6F.** An Ordinance vacating a portion of Elm Street Right-of-Way, adjacent to Block 126, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: 2608 Elm Street. Property Owner: Salvador and Blanca V. Duarte. SURW13-00006 **(District 2)** [City Development, Nelson Ortiz, (915) 541-4931]
- 6G.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.01 (Provisions Applicable To All Platting Procedures), to modify and add exemptions, and amend the time for decision on Plats and Land Studies; Chapter 19.02 (Land Studies), to amend the criteria for approval and criteria for revisions following

approval of a Land Study; Chapter 19.03 (Preliminary Plat), to amend the effect of approval of a Preliminary Plat, and the time for expiration and extension of the Preliminary Plat; Chapter 19.04 (Final Plat), to amend the time for expiration and extension of a Final Plat, and the plat recordation procedure; Chapter 19.08 (Construction Plans and Management), to amend the requirements of Subdivision Improvement Plans, the timing of public improvements and permit issuance to allow grading permits without requiring a subdivision, and to amend the security for completion of improvements; Chapter 19.10 (Dedication, Construction Requirements and City Participation), to clarify Roadway Participation Policies and developer's proportionate share; Chapter 19.15 (Roadways), to amend the street/thoroughfare escrow policies and procedures; Chapter 19.21 (Sidewalks), to amend sidewalk requirements for new streets; Chapter 19.41 (Expiration, Extension and Reinstatement), to amend the time of expiration of a plat application; and Chapter 19.46 (Proportionality Appeal), to amend the appeal requirements. The penalty being as provided in Chapter 19.42 of the City of El Paso City Code. **(All Districts)**

[City Development, Kimberly Forsyth, (915) 541-4668]

[POSTPONED FROM 07-16-2013 AND 07-30-2013]

7. DEPARTMENT OF TRANSPORTATION:

7A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping Or Standing - Tow Away Zone), of the El Paso City Code to delete an obsolete provision and provide more parking on Campbell Street, the penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 8)** [Department of Transportation, Keith Bennett, (915) 621-6882]

7B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV - Speed Limits) Paragraph F (Thirty-Five Miles Per Hours and Paragraph G (Forty Miles per Hour), of the El Paso City Code, to add new locations, the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code. **(District 1)**
[Department of Transportation, Keith Bennett, (915) 621-6882]

8. LIBRARY:

An Ordinance rescinding Ordinance Nos. 10739, 12141, 15006, and 15167 and authorizing the El Paso Public Library to establish fees by the Budget Resolution for use of library system for non-residents of the City of El Paso; replacement fees for lost or destroyed cards; fees for overdue, damaged, or lost books and other materials; fees for services including but not limited to copying, printing, faxing, scanning, and meeting room use; and collection fees. The ordinance also authorizes City Council to declare limited periods of "Amnesty" by appropriately adopted Resolution. **(All Districts)**

[Library, Dionne L. Mack, (915) 543-5413]

REGULAR AGENDA – PUBLIC HEARING – FISCAL YEAR 2014

9. CITY MANAGER'S OFFICE:

First Public Hearing on the City of El Paso's proposed Fiscal Year 2014 Property Tax Increase. **(All Districts)** [City Manager's Office, Lynly Leeper, (915) 541-4777]

REGULAR AGENDA – OTHER BUSINESS**10. CITY ATTORNEY:**

Discussion and action that the City Manager be authorized to send notice to Murray, Montgomery and O'Donnell of the City's intent to exercise its third option to extend the Professional Services Agreement dated March 30, 2010 for one additional year commencing September 1, 2013 and terminating on August 31, 2014. Compensation for this option to renew shall not exceed \$118,200.

(All Districts) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

11. MAYOR AND COUNCIL:

Discussion of the international bridge proposed on the Yarbrough area.

[Representative Lily Limón, (915) 541-4124]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Collection claim against Gloria Minjares, Our Matter No. 09-1026-005 (551.071)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

EX2. Collection claim against Kyrha Gutierrez, Our Matter No. 09-1026-014 (551.071)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

EX3. Collection claim against Marissa P. Martinez, Our Matter No. 12-1026-1896.001 (551.071) [City Attorney's Office, Laura P. Gordon (915) 541-4550]

EX4. Collection claim against Mariah Burrola and Ismael Burrola, Our Matter No. 11-1026-099 (551.071) [City Attorney's Office, Laura P. Gordon (915) 541-4550]

EX5. City of El Paso, Texas vs. Greg Abbott, Attorney General, Cause No. D-1-GN-12-003879, our file 12-1001-034. (551.071)
[City Attorney's Office Sylvia Borunda Firth, (915) 541-4550]

12:15 p.m. – 12:45 p.m. CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>